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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,860	12/29/2003	James R. Zarian	ADV1.004	3693
3775	7590	07/11/2005	EXAMINER	
ELMAN TECHNOLOGY LAW, P.C.			TSIDULKO, MARK	
P. O. BOX 209			ART UNIT	
SWARTHMORE, PA 19081-0209			PAPER NUMBER	
			2875	

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/748,860	Applicant(s) ZARIAN, JAMES R.	
	Examiner Mark Tsidulko	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 9 is/are allowed.
 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
 7) ☒ Claim(s) 6 and 8 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 29 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the *holder* (claims 3-6), *container having a clear cap* (claims 1, 3, 6, 7) and *a plurality of LEDs disposed at positions immediately above locations of the caps* (claims 8, 9) must be shown with reference characters (or named on the drawings) or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The Abstract of the disclosure is objected to because of using claim language:

“**comprising**” (lines 1 and 9) should be changed to “**having**” and “**comprises**” (line 5) should be changed to “**has**”.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Savage (US 4,471,414).

Referring to Claim 1 Savage discloses (Fig.2) a lighting unit having a light source [12] contained within a cap [18] and a pair of conductors [71] and [72] adapted to be in contact with a power source exterior to the unit (using an opening [70b] for connecting of wiring) {col.5, lines 3-5} to provide a current to the light source terminals [13] and [14].

Referring to Claim 2 Savage discloses (Fig.2) a LED [12].

Referring to Claims 3, 4 Savage discloses (Fig.2) a means [20] for detachably contacting the cap (col.2, line 64; col.3, lines 1-12) and conductors [71] and [72] providing a source of current to the pair of conductors [13] and [14] of the cap when the cap is in contact with a holder.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Savage (US 4,471,414) in view of Yang et al. (US 6,523,969) and Costanzo et al. (US 3,777,137).

Savage discloses the instant claimed invention except for a holder's base containing a power source and a stem supporting a holder.

Costanzo et al. disclose (Fig.1) a stem [21] supporting a means [22] for detachably contacting the cap [32].

Yang et al. disclose (Fig.4) a holder [30] having a base containing a power source [70]. This structure allows to obtain compact device without long wiring conductors.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the power source located in the holder, as taught by Yang et al., in order to obtain a compact lighting device.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chuang et al. (US 6,827,463).

Chuang et al. disclose (Figs.1, 2) a display rack having a means [23] for directing light onto a top of plurality of containers [70]. Since Chuang et al. do not disclose a type of a

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container's cap, it will be readily understood by those skilled in the art that any type of the cap including a clear cap may be used for a container.

Allowable Subject Matter

Claims 6, 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

Referring to Claim 6 the prior art of record fails to show a plurality of similar means for detachably contacting the cap, each having a cross section in the form of a pair of parentheses wherein the cap can slide from one portion of the holder to the next and fall into a place at predetermined intervals.

Referring to Claim 8 the prior art of record fails to show a plurality of LEDsw disposed at positions immediately above the container's caps.

Claim 9 is allowed, because the prior art of record fails to show a plurality of LEDsw disposed at positions immediately above the container's caps.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (571)272-2384. The examiner can normally be reached on 8 - 5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M.T.
June 30, 2005.



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800